

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE:

JEFFREY L. MILLER,

Debtor.

JEFFREY L. MILLER,

Plaintiff/Appellee,

vs.

NLVK, LLC, a Nevada limited liability  
company,

Defendant/Appellant.

8:04CV595  
BK. 03-82793/A04-8021

ORDER

This matter is before the court on remand from the Eighth Circuit Court of Appeals. Filing No. 17, Appellate Opinion. Further factual findings are necessary. See *id.* at 6-7. Those findings should be made by the Bankruptcy Court in the first instance. Accordingly, the action will be referred to the Bankruptcy Court for proceedings consistent with the opinion of the Eighth Circuit Court of Appeals.

IT IS ORDERED THAT:

1. This action is referred to the United States Bankruptcy Court for the District of Nebraska for proceedings consistent with the opinion of the Eighth Circuit Court of Appeals.
2. The Bankruptcy Court shall certify its findings to this court in a report and recommendation.
3. The parties shall have ten days following the filing of such report and recommendation in which to brief their respective positions on the findings.
4. The Clerk of Court is directed to transmit the file to the Clerk of Bankruptcy Court and to close this case for statistical purposes.

DATED this 18<sup>th</sup> day of August, 2006.

BY THE COURT:

s/Joseph F. Bataillon

Chief United States District Judge